

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LAMONT DIXON,

Plaintiff,

vs.

CIVIL ACTION NO. 07-14799

DISTRICT JUDGE GERALD E. ROSEN

THOMAS BURGE,

MAGISTRATE JUDGE MONA K. MAJZOUN

Defendant.

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**ORDER DENYING DEFENDANT'S MOTION
FOR APPOINTMENT OF COUNSEL**

Before this Court is Defendant's Application for Appointment of Counsel. This Case was referred to the undersigned on December 07, 2007 for All Pretrial Proceedings. Defendant's Application for Appointment of Counsel is before the Court.

The Constitution of the United States does not require the automatic appointment of counsel for indigents in civil cases. Appointment of counsel in a civil proceeding is not a constitutional right and is justified only in exceptional circumstances. *Lanier v Bryant*, 332 F.2d 999, 1006 (6th Cir.2003); *Lavado v Keohane*, 992 F.2d 601, 605-6 (6th Cir 1993). To determine whether exceptional circumstances justifying the appointment of counsel exists, courts consider the type of case and the ability of the party to represent himself. *Lanier*, 332 F.2d at 1006.

The Court declines to exercise its discretion to appoint counsel because this case is not exceptionally complex, and Defendant does not appear to be impaired in a way that prevents him from defending his own case adequately.

The Court notes Defendant is not without options for retaining counsel. Defendant has not stated whether he has contacted his employer and requested that they provide representation.

Moreover, Defendant may be able to acquire free legal services from one of a number of Legal Aid organizations in Michigan.

Defendant's Motion For Appointment of Counsel is **DENIED** without prejudice.

IT IS SO ORDERED.

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: January 24, 2008

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon Lamont Dixon and Thomas Burge on this date.

Dated: January 24, 2008

s/ Lisa C. Bartlett
Courtroom Deputy